

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

v.

PLATFORM SOLUTIONS, INC. and T3
TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 06-cv-13565-LAK (THK)

JURY TRIAL DEMANDED

**NOTICE OF MOTION FOR LEAVE TO FILE A SUPPLEMENTARY MEMORANDUM
OF LAW AND SUPPLEMENTARY STATEMENT OF UNDISPUTED FACTS IN
SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT**

Please take notice that defendant and counterclaimant Platform Solutions, Inc. (“PSI”) will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, on a date and time to be designated by this Court, at the United States District Court for the Southern District of New York, 500 Pearl St., New York, NY 10007, for an Order granting PSI’s Motion for Leave to File a Supplementary Memorandum of Law and a Supplementary Separate Statement of Material Facts in Support of its Motion for Summary Judgment on Counts Eleven and Twelve of plaintiff and counterdefendant International Business Machine Corporation’s (“IBM”) Second Amended Complaint. In support of its motion, PSI will rely upon the accompanying memorandum of law and the declaration of Ryan C. Kirkpatrick attached thereto, and other written or oral argument as may be requested or permitted by the Court.

Dated: June 10, 2008

SUSMAN GODFREY L.L.P.

By: /s/ Jacob W. Buchdahl

Stephen D. Susman

Jacob W. Buchdahl

Tibor L. Nagy

SUSMAN GODFREY L.L.P.

654 Madison Ave., 5th Floor

New York, NY 10022

(212) 336-8330

Stephen Morrissey (SM-2952) (*Pro Hac Vice*)

Ryan Kirkpatrick (RK-2281) (*Pro Hac Vice*)

SUSMAN GODFREY L.L.P.

1901 Avenue of the Stars, Suite 950

Los Angeles, CA 90069

(310) 789-3100

Attorneys for Platform Solutions Inc.